



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

SES X *AVESF 1.1.1*
DIVISION OF ENVIRONMENTAL QUALITY
450 West State Street
Boise, ID 83720-9990

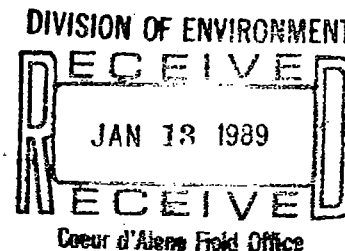
January 6, 1989

MEMORANDUM

TO: Al E. Murrey

FROM: Cathy Chertudi *Cathy*

SUBJECT: Avery Landing Petroleum Contamination



This past summer an old diesel spill began to seep into the St. Joe River near Avery, Idaho. After investigation by Steve Breithaupt and Joe Baldwin it is believed that the diesel residue is from old spills from an above-ground diesel fuel tank used by the Chicago, Milwaukee, St. Paul and Pacific Railway Company. It is our understanding that the railroad declared bankruptcy many years ago and the affected property is now owned by three parties, Potlatch Corp., the Federal Highway Administration, and a private party, H. E. Theriault.

To this date, the Federal Highway Administration and Potlatch are cooperating in evaluating the extent of the contamination. However, Potlatch is reluctant to agree to a full cleanup. Potlatch has requested our legal basis for requiring a cleanup of a non-hazardous waste site, caused by a prior property owner. Therefore, I suggest that we request an Attorney General's review of this potential enforcement case. Several factors may be in our favor in that there is a continuing release of the diesel to the river which may be a violation of the Water Quality Standards Section 01-2850 and the F.H.A. is very interested in pursuing a cleanup. The negative aspects are the bankruptcy of the railroad, it is an above-ground tank, and the private property owner is not financially capable of cleaning up his property.

CC:sjj

Ed cc: Ed Tulloch

